

REMARKS/ARGUMENTS

Claims 1, 3, 7, 11 and 13-20 are present in this application. By this Amendment, claims 19 and 20 have been added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 1, 3, 7, 11 and 13-18 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,032,622 to Herrington et al. in view of U.S. Patent No. 6,237,717 to Osanai et al. This rejection is respectfully traversed.

The Office Action recognizes that Herrington lacks at least the claimed material characteristics relating to the coefficient of water absorption being between 0.01 g/cm^3 and 0.2 g/cm^3 . The Office Action contends, however, that Osanai discloses such subject matter, referring to Tables 1 and 2 in Osanai.

Contrary to a coefficient of water absorption, as initially recognized in the Office Action, Osanai describes material characteristics relating to **foam density**. The Office Action on page 3 provides that Osanai Table 1, #2, "begins with a *foam density* of 0.1 g/cm^3 ." Subsequently, the Office Action states that "[n]ext, referring to Table 2, #2 has an increase of +25.3%, making the *coefficient of water absorption* $.125 \text{ g/cm}^3$, which is within the disclosed range of 0.01 g/cm^3 and 0.2 g/cm^3 ." Since foam density and coefficient of water absorption are different material characteristics, it is not clear how the Office Action reaches this conclusion. Consequently, Applicants respectfully submit that the rejection is misplaced. That is, neither Herrington nor Osanai provides a teaching

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or suggestion of at least a shape memory foam member having a coefficient of water absorption in the range between 0.01 g/cm^3 and 0.2 g/cm^3 in a non-compressed state.

With respect to the dependent claims, Applicants submit that these claims are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 19 and 20 have been added. Support for these claims can be found in the original specification at, for example, page 10, lines 13-19.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

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